

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD AZPITARTE,

Plaintiff,

v.

KING COUNTY, et al.,

Defendants.

C10-1186 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's motion to compel, docket no. 45, is GRANTED in part and DENIED in part. Defendant King County is DIRECTED to respond to the following limited discovery requests, within thirty (30) days of the date of this Minute Order:

(a) With regard to Interrogatory No. 1, Defendant shall identify, as that term is defined in the interrogatories, individually named defendant Sydney Jackson. The complaint fails to allege any facts related to Plaintiff's one remaining claim regarding the other individually named defendants.

(b) With regard to Request for Production No. 2, Defendant shall provide a copy of all files as defined in the Request, not protected by privilege, kept on Richard Azpitarte regarding the claim of harassment by helicopter after March 3, 2009.

(c) With regard to Request for Production No. 3, Defendant shall disclose expert testimony pursuant to Fed. R. Civ. P. 26(a)(2).

(d) With regard to Request for Production No. 4, Defendant shall produce all e-mails as defined in the Request, not protected by privilege, from March 3, 2009 to the present.

1 Plaintiff's motion is otherwise DENIED. Plaintiff's Interrogatory No. 2 is overly broad
2 in relation to Plaintiff's claim and the burden of requiring Defendant to respond to the
3 proposed discovery request outweighs its likely benefit. Fed. R. Civ. P. 26(b)(2)(C).
4 Plaintiff's Interrogatory Nos. 3 – 5, regarding safety violation citations, are not relevant
5 to Plaintiff's claim of harassment by helicopter after March 3, 2009. Plaintiff's Request
6 for Production No. 1, requesting personnel files of all individually named Defendants,
7 does not appear reasonably calculated to lead to the discovery of admissible evidence and
8 is overly burdensome. Fed. R. Civ. P. 26(b)(1) – (2). Defendant has already responded
9 to Plaintiff's Request for Production No. 5 for the relevant time frame. Although
10 Plaintiff contends he has not received the responsive materials, Plaintiff's Reply, docket
11 no. 53, Defendant has produced evidence that the items were delivered to Plaintiff's
12 residence. See Declaration of Mark G. Stockdale, docket no. 52.

13 (2) Plaintiff's Reply, docket no. 53, included a motion for a one day extension
14 for filing the reply. This motion is GRANTED.

15 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
16 record and to Plaintiff *pro se*.

17 Dated this 24th day of February, 2014.

18 William M. McCool
19 Clerk

20 s/Claudia Hawney
21 Deputy Clerk